

Sandoval County Board of County Commissioners

Agenda Item Summary

AGENDA ITEM # 2-6-14.9B

1. REQUESTED MOTION

ACTION REQUESTED:

Approve a Memorandum of Agreement with Various Entities Creating the Middle Rio Grande MS4 Technical Advisory Group for the MS4 Watershed Based Permit from NMED/EPA and Authorize the County Manager to Approve Agreement and Future Amendments

WHY ACTION IS NECESSARY (Summary):

A Cooperative Agreement creating the Middle Rio Grande MS4 Technical Advisory Group in support of compliance efforts for a stormwater discharge permitting system for the Middle Rio Grande Valley in accordance with the Federal Clean Water Act. (continued on next page)

2. REQUESTOR

COMMISSIONER SPONSORED: ☐ YES ☒ NO

DISTRICT: ☐ DISTRICT 1 ☐ DISTRICT 4
☐ DISTRICT 2 ☐ DISTRICT 5
☐ DISTRICT 3

DIRECTOR / ELECTED: Tommy Mora Jr.

DIVISION: Public Works

ELECTED OFFICE:

ATTACHMENTS: ☒ YES ☐ NO

3. MEETING DATE

February 6, 2014

4. AGENDA (To be completed by County Manager)

☐ PROCLAMATION
☐ PRESENTATION
☐ CONSENT
☒ REGULAR
☐ APPEAL

5. RECOMMENDATIONS

Recommend approval

6. FISCAL IMPACT

No fiscal impact at this time. In the near future a cost of \$10,000 will go towards public education & outreach as federally mandated. As we go forward there may be some other associated costs and we will budget accordingly.

7. RECOMMENDED APPROVAL (Initials & Date)

Department Director/Elected Official TMJ 1/27/14	Human Resources _____	Purchasing _____	County Attorney PFT 1/29/14	Finance Budget CCH 1/30/14	County Manager PPR 1/29/14	Other _____
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8. COMMISSION ACTION

☐ Approved ☐ Denied ☐ Deferred ☐ Other

WHY ACTION IS NECESSARY (Summary) continued:

A COOPERATIVE AGREEMENT, CREATING THE MIDDLE RIO GRANDE MS4 TECHNICAL ADVISORY GROUP, IN SUPPORT OF COMPLIANCE EFFORTS FOR A STORMWATER DISCHARGE PERMITTING SYSTEM FOR THE MIDDLE RIO GRANDE VALLEY IN ACCORDANCE WITH THE FEDERAL CLEAN WATER ACT.

New Mexico is one of three states selected to participate in the watershed based permitting process for NMED and the Environmental Protection Agency. This new permitting process has strict deadlines regarding compliance. This agreement provides a vehicle to extend the deadlines for each of the six compliance requirements.

Sandoval County will be participating with other agencies to share information regarding water monitoring, water sampling and enforcement of new regulations set forth within the new permit structure. Sandoval County has been participating in the pilot project for over two years and we are taking the necessary steps to participate with other agencies to share valuable information and resources.

The attached MOA shows participation from SSCAFCA, City of Rio Rancho, Town of Bernalillo, Village of Corrales, AMAFCA Los Ranchos de Albuquerque, DOE/SNL/NNSA, and ESSCAFCA.

Middle Rio Grande Stormwater MS4 Technical Advisory Group

MEMORANDUM OF AGREEMENT

A COOPERATIVE AGREEMENT, CREATING THE MIDDLE RIO GRANDE MS4 TECHNICAL ADVISORY GROUP, IN SUPPORT OF COMPLIANCE EFFORTS FOR A STORMWATER DISCHARGE PERMITTING SYSTEM FOR THE MIDDLE RIO GRANDE VALLEY IN ACCORDANCE WITH THE FEDERAL CLEAN WATER ACT.

WHEREAS, the United States Environmental Protection Agency (EPA), Region 6 regulates the discharge of stormwater from municipal separate storm sewer systems (MS4s) in New Mexico through the issuance of an MS4 permit for the Middle Rio Grande valley urbanized area under the authority of the National Pollutant Discharge Elimination System (NPDES) regulations (40CFR122); and

WHEREAS, the Middle Rio Grande area is comprised of many diverse local, state, federal and tribal entities, each with separate and distinct authority and responsibilities; and

WHEREAS, the Middle Rio Grande area entities potentially eligible for authorization under the proposed NPDES General Permit No. NMR04A000 (hereinafter "MS4 Permit"), and therefore are eligible to enter into this Memorandum of Agreement (hereinafter "Agreement") in furtherance of the requirements of the MS4 Permit, are the City of Albuquerque, Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA), University of New Mexico, New Mexico Department of Transportation District 3, Bernalillo County, Sandoval County, Village of Corrales, City of Rio Rancho, Los Ranchos de Albuquerque, Kirtland Air Force Base, Town of Bernalillo, State Fairgrounds/Expo New Mexico, the Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA), the Eastern Sandoval County Arroyo Flood Control Authority (ESCAFCA), Sandia National Laboratories/Department of Energy, Pueblo of Sandia, Pueblo of Isleta, and Pueblo of Santa Ana (collectively "Stormwater Management Entities"); and

WHEREAS, the proposed MS4 Permit encourages cooperative efforts among separate local, state, federal and Tribal governments to reduce the amount of pollutants discharged with stormwater from the Middle Rio Grande urbanized area MS4s; and

WHEREAS, continued cooperation among the Stormwater Management Entities in the MS4 Permit offers an enhanced opportunity for each entity to remain aware of the requirements in the MS4 Permit and facilitate compliance with conditions of the permit;

NOW, THEREFORE, BE IT AGREED THAT:

1. The signatories to this Agreement (hereinafter collectively referred to as "Parties" and individually referred to as "Party") support and encourage a cooperative commitment to assist one another with technical issues regarding compliance with the MS4 Permit and agree to form the Middle Rio Grande MS4 Technical Advisory Group (MS4TAG).

MIDDLE RIO GRANDE STORMWATER
MS4 TECHNICAL ADVISORY GROUP
FINAL

10-07-13

2. The purpose of the MS4TAG will be to exchange technical information regarding compliance with the MS4 Permit, exchange ideas among Parties regarding compliance efforts, and exchange information regarding illicit discharges detected within each Party's jurisdiction. The MS4TAG shall have no binding financial authority and shall be strictly advisory in nature.

3. Nothing in this Agreement shall be construed as obligating a Party to this agreement to expend funds for any purpose, and no Party shall be required to contribute any funds in order to participate in this Agreement. In the event the Parties determine that any joint expenditure of funds among multiple Parties becomes necessary in order to comply with the requirements of the MS4 Permit, a separate agreement shall be entered into between the affected Parties regarding any and all such expenditures at that time.

4. The term of this Agreement shall run from the date the MS4 Permit is issued by the EPA until the date the MS4 Permit is terminated or expires, whichever occurs first. This Agreement may be terminated in its entirety at any time upon the mutual agreement of all of the then-existing Parties to this Agreement. In the event any Party wishes to withdraw from this Agreement without terminating the other Parties' interests in this Agreement, withdrawal shall become effective upon ninety (90) days prior written notice to the other Parties. Withdrawal shall fully and completely terminate that Party's interest in and obligations under this Agreement. Following any Party's withdrawal, this Agreement shall continue in full force and effect as to all remaining Parties to the extent possible.

5. This Agreement does not address the "Public Education and Outreach" or "Cooperative Sampling" sections of the MS4 Permit. Any MS4TAG efforts regarding either of these sections of the MS4 Permit under this Agreement shall be strictly in furtherance of the spirit of cooperation intended among the Parties. Each Party acknowledges its obligations under the "Public Education and Outreach" and "Cooperative Sampling" sections of the MS4 Permit are separate and apart from its activities under this Agreement, and a separate agreement will be required for any collaboration among the Parties with respect to those permit requirements.

6. The Parties will appoint two (2) Co-Coordiators from among the Parties, one of which must be from a Party located within the Bernalillo County geographical area and one of which must be from a Party located within the Sandoval County geographical area. Appointment of a Co-Coordinator shall be by majority vote of the voting Parties, with only those Parties located in the county of Bernalillo voting on the Co-Coordinator from that area, and only those Parties located in the county of Sandoval voting on the Co-Coordinator from that area. Co-Coordiators must be appointed annually in each subsequent permit year, or earlier if the position becomes vacant for any reason. For the New Mexico Department of Transportation District 3, which operates stormwater management facilities in both counties, for the purposes of this section, they shall select one county affiliation in year one of the agreement and alternate affiliations in subsequent years of this Agreement. The Co-Coordiators will be expected to coordinate the Parties' efforts under this Agreement, including facilitating meetings of the MS4TAG at least monthly for the first year of the MS4 Permit. In years two through five of the permit, the frequency of meetings may be reduced to quarterly with additional meetings called as necessary to discuss issues regarding MS4 Permit compliance.

7. Each Party shall be entitled to one (1) vote on any action items.
8. This Agreement creates no obligations on behalf of any Party to any other Party to this Agreement, including for any requirements imposed or determinations made by EPA. The Parties acknowledge and agree that each shall at all times remain individually liable for full compliance with the requirements of the MS4 Permit, including EPA's determination regarding the implementation schedule.
9. This Agreement may be modified in writing at any time upon the mutual agreement of the Parties.
10. Parties can be added at any time during the life of this Agreement. A potential future Party's submittal of a signature page to the Co-Coordiators and approval by the Co-Coordiators shall add the Party to the Agreement.

MIDDLE RIO GRANDE STORMWATER
MS4 TECHNICAL ADVISORY GROUP
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10-07-13

Approved as to Form:



Patrick F. Trujillo
Sandoval County Attorney

Date: 1/27/2014

Sandoval County

Date: _____

Phillip Rios, County Manager

Middle Rio Grande Stormwater MS4 Technical Advisory Group

MEMORANDUM OF AGREEMENT

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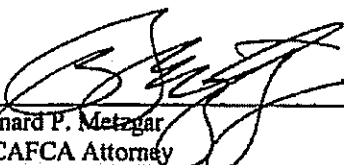
10-07-13

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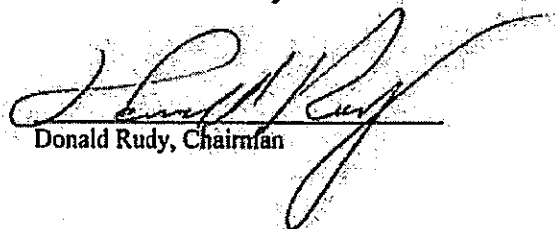
Approved as to Form:


Bernard P. Metzgar
SSCAFCA Attorney

Date: 10/04/13

Southern Sandoval County Arroyo
Flood Control Authority

Date: 10/18/13

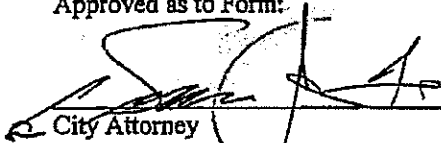

Donald Rudy, Chairman

MIDDLE RIO GRANDE STORMWATER
MS4 TECHNICAL ADVISORY GROUP
FINAL DRAFT

9-30-13

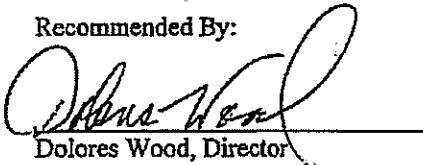
City of Rio Rancho

Approved as to Form:


City Attorney

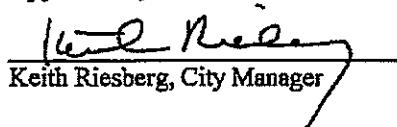
Date: 10/1/13

Recommended By:


Dolores Wood, Director

Date: 11.4.13

Approved By:

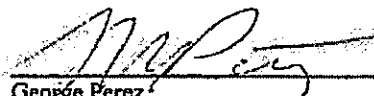

Keith Riesberg, City Manager

Date: 11/1/13

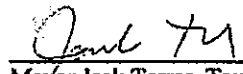
MIDDLE RIO GRANDE STORMWATER
MS4 TECHNICAL ADVISORY GROUP
FINAL DRAFT

9-30-13

Approved as to Form:


George Perez
Town of Bernalillo Attorney

Date: 10/15/2013


Mayor Jack Torres, Town of Bernalillo

Date: 10/14/13


Attest: 
Ida Fierro, Town Clerk

Date: 10/14/13

MIDDLE RIO GRANDE STORMWATER
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10-07-13

VILLAGE OF CORRALES

By:  10.08.13
Philip Gasteyer, Mayor Date

Attest:

 10-08-2013
Juan Reyes, Village Clerk Date

MIDDLE RIO GRANDE STORMWATER
MS4 TECHNICAL ADVISORY GROUP
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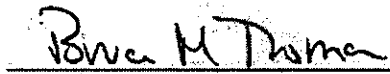
IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed.

Albuquerque Metropolitan Arroyo
Flood Control Authority

Date: 10/24/2013


Tim Eichenberg
Chair of the Board of Directors

Attest:


Bruce Thomson
Secretary/Treasurer

Date: 10/24/13